IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.101 OF 2004

Avanti Niketan Co-operative .. Appellant
Housing Society Ltd.
tversus
The Collector of Bombay & Anr. .. Respondents

...

Mr. P.S. Dani i/b. M/s. Bilwala & Co. for appellant
Mr. R.S. Khadapkar A.G.P. for respondents

CORAM : D.G. KARNIK, J

DATED :6th October, 2006

P.C.:

1. Heard learned counsel for the parties.

2. Learned A.G.P. appearing for the State raises preliminary objection about the maintainability of the appeal and states that impugned order is not the one mentioned under any of the clauses of Order 43 Rule 1

of the Code of Civil Procedure. In view of the preliminary objection the learned counsel for the appellant seeks leave to withdraw the appeal with liberty to challenge the order in appropriate proceedings before the appropriate forum. Such leave obviously can be granted only subject to the Law of Limitation. Accordingly leave is granted subject to the Law of Limitation.

3. Appeal is disposed of as withdrawn with liberty as above.

(D.G. KARNIK, J)